Remarks

Applicant respectfully requests that this Amendment After Final Action be admitted under 37 C.F.R. § 1.116.

Applicant submits that this Amendment presents claims in better form for consideration on appeal. Furthermore, applicant believes that consideration of this Amendment could lead to favorable action that would remove one or more issues for appeal.

Claims 1, 7, 8, 14, 15, 21 and 22 have been amended. Claims 2, 3, 5, 9, 10, 12, 16, 17 and 19 have been canceled. Therefore, claims 1, 4, 6-8, 11, 13-15, 18 and 20-25 are now presented for examination.

Claims 1-25 stand rejected under 35 U.S.C. §102(b) as being anticipated by Araujo et al. (U.S. Patent No. 6,108,350). Applicant submits that the present claims are patentable over Araujo.

Araujo discloses methods for detecting a protocol used on a link and for automatically configuring the link. For example, to help avoid requiring a craftsperson to configure each link between a subscriber and the central office, the invention includes a method for automatically determining a protocol used by the customer premises equipment. This information can then be used to automatically configure the link to use the protocol used by the customer premises equipment. The invention also includes the method for configuring the link by negotiating between the customer premises equipment and the central office such that a protocol is used on the link that helps to provide efficient transmission over the link and through a backbone network coupled to the central office. For example, if the customer premises equipment initially uses a frame-

Docket No: 42P16159
Application No: 10/646,958   8

based protocol and the backbone network coupled to the central office uses a cell-based

protocol, then the central office equipment negotiates with the customer premises

equipment to use a cell-based protocol over the link. The use of the same or related

protocol over the link as on the backbone network helps to improve the efficiency of

transmission over the link and the backbone network by reducing the amount of

computation required at the central office to translate between protocols. See Araujo at

col. 5, ll. 16-40

Claim 1 of the present application recites:

> A method comprising:
> a processor at a first node determining one or more
> communication protocols via which a second node is
> capable of communicating with the first node based
> upon one or more parameters received from the second
> node during an initialization of communication between
> the first node and the second node, the one or more
> parameters specifying the one or more communication
> protocols;
> the processor selecting first drivers to implement an
> Ethernet protocol if the one or more parameters specify
> the first communication protocol; and
> the processor selecting second drivers to implement
> an Asynchronous Transfer Mode protocol if the one or
> more parameters specifies the second protocol.

Applicant submits that Araujo does not disclose selecting drivers to implement an

Ethernet protocol if parameters specify a first communication protocol. Thus claim 1,

and its dependent claims, is patentable over Araujo.

Independent claims 8, 15 and 22 include features similar to those recited in claim

1. Therefore, claims 8, 15 and 22 are patentable over Araujo for the reasons stated above

with respect to claim 1.

Docket No: 42P16159
Application No: 10/646,958   9

Applicant submits that the rejections have been overcome, and that the claims are in condition for allowance. Accordingly, applicant respectfully requests the rejections be withdrawn and the claims be allowed.

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
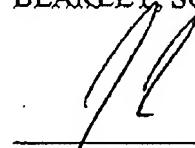
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Docket No: 42P16159
Application No: 10/646,958   10